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MAURICE H. SERCARZ*

* ADMITTED IN NY & NJ

April 7, 2022

BY ECF

The Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Navarro, et al, 20 CR 160*
Seth Fishman – Defendant

Your Honor:

I write at the request of both Dr. Fishman and the Probation Department, to request an adjournment of the defendant's sentencing, presently scheduled for May 5, 2022.

Dr. Fishman, who is currently detained at the Metropolitan Detention Center in Brooklyn, did not receive the financial forms that he must fill out prior to sentencing until the last week in March. Dr. Fishman's financial circumstances are complex and he does not have access to all of the records he needs in order properly to fill out the forms.

The Probation Department informs me that without Dr. Fishman's financial records, they cannot provide me with a draft Presentence Report ("PSR"). Thus, Probation was unable to provide the requisite draft Presentence Report within 35 days of the May 5, 2022 sentencing date pursuant Fed.R.Crim.P. Rule 32(e)(2).

Accordingly, I am requesting an adjournment of Dr. Fishman's sentencing date for approximately three weeks. This should afford him adequate time to complete the financial reporting requirements as best he can under the circumstances, and put us back on track to have the PSR disclosure process completed in time for sentencing. I have been in contact with AUSA Mortazavi who informs me that the Government has no objection to this request.

Most respectfully,

/s/Maurice H. Sercarz

cc: AUSA Sarah Mortazavi (by ECF)
USPO Jemmard Thomas (by email)